

**IN THE HIGH COURT OF JUDICATURE AT
HYDERABAD
FOR THE STATE OF TELANGANA AND
THE STATE OF ANDHRA PRADESH**

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WRIT PETITION No.23806 OF 2015

Between:

Zaheeda Raghunath and another

.. Petitioners

and

Bank of India, Mehdipatnam Branch and another

.. Respondents

DATE OF JUDGMENT PRONOUNCED: August 10,
2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |

3. Whether their Ladyship/Lordship wish to see the fair copy of the Judgment? Yes/No

**THE HON'BLE SRI JUSTICE R. SUBHASH REDDY
AND
THE HON'BLE SRI JUSTICE A. SHANKAR NARAYANA**

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WRIT PETITION No.23806 OF 2015

ORDER: (Per Hon'ble Sri Justice R. Subhash Reddy)

This Writ Petition is filed seeking to declare the notice, dated 05.05.2015, issued by respondent No.2 – Advocate Commissioner demanding the petitioners to vacate the ground and first floors of the premises bearing H.Nos.7 and 8 part of Plot Nos.7 and 8 covered by Survey Nos.62 and 71 situated at Sri Vallab Bhai Patel Poor Class Colony, New Hasmathpet Road, Tirumalagiri, Secunderabad, as illegal and arbitrary.

Petitioner Nos.1 and 2 are tenants in the ground and first floors respectively, of the premises in question belonging to one

Sri K. Ashok Kumar, who stood as surety for the OD facility availed by Sri V. Ravichand and Sri S. Bixapathi from respondent No.1 – Bank. In view of the default committed by the borrowers, respondent No.1 – Bank has initiated proceedings under Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act'). After

issuing Demand Notice and Possession Notice, under Sections 13 (2) and 13 (4) of the Act respectively, respondent No.1 has filed Crl.MP.No.697 of 2015 before the Chief Metropolitan Magistrate, Hyderabad, under Section 14 of the Act, for delivery of possession of the secured asset. In view of the orders passed in Crl.MP.No.697 of 2015, respondent No.2 – Advocate Commissioner has issued impugned notice, dated 05.05.2015, demanding the petitioners to vacate the premises in question.

It is the case of the petitioners that they are *bona fide* tenants in occupation of the premises in question and without giving any opportunity to them, they are sought to be evicted pursuant to the impugned notice issued by respondent No.2.

Though the petitioners claim that they are in long standing possession of the secured asset, in the absence of any valid registered lease deed, they cannot obstruct taking possession of the premises in question pursuant to the orders passed in Crl.MP.No.697 of 2015. Hence, we do not find any ground in this Writ Petition, so as to invalidate the impugned notice, dated 05.05.2015. However, in view of the request made by the learned counsel for petitioners to grant reasonable time to the petitioners to vacate the premises in question, we deem it

appropriate to dispose of the Writ Petition by directing the respondents not to take any coercive steps to dispossess the petitioners from the premises in question for a period of six (6) weeks from today, inasmuch as the petitioners undertake to vacate the premises in question within a period of six (6) weeks from today.

Subject to the above, the Writ Petition is disposed of. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. No costs.

R. SUBHASH

REDDY, J

A. SHANKAR

NARAYANA, J

August 10, 2015

Note: Issue C.C. in two days.
B/o.MD